



Law Society
of Ontario

Barreau
de l'Ontario

Tab 3

Report to Convocation May 27, 2021

Priority Planning Committee

Committee Members:

Teresa Donnelly (Chair)
Jacqueline Horvat (Vice-Chair)
Robert Burd
Joseph Chiumminto
Dianne Corbiere
Cathy Corsetti
Joseph Groia
Philip Horgan
Nancy Lockhart
Barbara Murchie
Lubomir Poliacik
Megan Shortreed
Andrew Spurgeon
Sidney Troister

Purpose of Report: Decision

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Law Society
of Ontario

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de l'Ontario

Tab 3.1

Priority Planning Committee

By-Law 3 Amendments Respecting Reforms to Certain Standing Committees Structure

May 27, 2021

Committee Members:

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Motion

That on the recommendation of the Priority Planning Committee, Convocation make amendments to By-Law 3 as set out in the motion at Tab 3.1.1 to create a new standing committee called the Strategic Planning and Advisory Committee and its mandate and to revoke the mandates of the Government and Public Affairs Committee, the Litigation Committee and the Priority Planning Committee.

A. Executive Summary

Consistent with the Treasurer's and the Law Society CEO's focus on improved efficiency and modernization, the Committee is recommending the amalgamation of three existing standing committees into a new standing committee entitled the Strategic Planning and Advisory Committee.

This change is made in the interests of ensuring quality and timeliness of the Law Society's oversight and decision-making functions, achieving greater clarity in decision-making, improving public transparency, supporting more efficient operational implementation, simplifying and reducing committee structures and optimizing and effectively managing staff time.

The proposed new Strategic Planning and Advisory Committee includes the current functions of three existing oversight and strategy-focussed committees – the Government and Public Affairs, Litigation and Priority Planning Committees. The new committee would align a number of functions in a structure that would permit effective management of the issues that fall within the committee's mandate.

Amendments to By-Law 3, required to implement this structural change, are before Convocation for approval.

Background

A. Structuring Convocation's Committees

Number of Committees

There are currently 21 distinct committees, task forces and/or working groups active within the organization.¹ Each of these committees requires benchers' time and effort, as well as staff support by way of research, writing of policy papers, providing operational impact information, scheduling and attending meetings and issues management.

Purpose of Committees

The standing committees of Convocation have been structured to assess issues and make recommendations to Convocation on various functions required within a regulatory organization like the Law Society. It is inevitable that some of these groups will have overlapping mandates. This can result in questions about which committee or group has primary jurisdiction over a matter and/or its components, leading to lengthy processes and delayed decision-making as the organization strives to ensure that all impacted committees have had an opportunity to consider the matter.

Generally, there are three main categories of responsibility for Convocation in the Law Society's regulatory environment:

- Policy – with accountabilities for the evolution of the regulatory mandate in the public interest; for example Professional Development and Competence, Professional Regulation or the Tribunal Committees;
- Governance – with accountabilities including corporate structure, mandate and strategy for example, the Priority and Planning Committee; and
- Oversight – with accountabilities including key business and institutional obligations, and legislated statutory obligations; for example, the Litigation, Proceedings Authorization and Compensation Fund Committees.

¹ Access to Justice Committee, Audit and Finance Committee, Compensation Committee, Compensation Fund Committee, Competence Task Force, Equity and Indigenous Affairs Committee, Government and Public Affairs Committee, Human Rights Monitoring Group, Law Society Awards/LLD Advisory Committee, Litigation Committee, Mental Health Working Group, Paralegal Awards Committee, Paralegal Standing Committee, Priority Planning Committee, Proceedings Authorization Committee, Professional Development and Competence Committee, Professional Regulation Committee, Real Estate Liaison Group, Technology Task Force, Tribunal Committee, Treasurer's Appointments Advisory Group.

With respect to the last two categories, Convocation has created three standing committees that deal with some of these functions – the Government and Public Affairs Committee, the Litigation Committee and the Priority Planning Committee. Since 2019, the Treasurer has determined that composition for each of these three committees should be the same. In addition, the Government and Public Affairs Committee has not been convened since January 2019 and the Litigation Committee has been convened three times since that time (twice during the course of a Priority Planning Committee meeting).

While the mandates of these three committees do not necessarily overlap, a common thread among them is a focus on strategy, planning, organizational priorities, oversight, governance process and risk management. Because of this, the consideration of certain matters or developments may involve more than one of these committees, from a briefing through to decision-making.

For these reasons, and as the Law Society seeks to modernize committee structures, increase efficiencies, improve transparency, optimize bench time and ensure that operational resources are sensibly deployed to support committee work, it is reasonable and prudent to rationalize certain functions of the Law Society's committees.² This will achieve greater alignment in dealing with the strategic and oversight responsibilities these committees fulfill to address critical and sometimes time-sensitive issues or to prepare recommendations for Convocation's consideration

The Proposal

A. Key Changes

A New Strategic Planning and Advisory Committee

A new standing committee called the Strategic Planning and Advisory Committee is recommended. This committee would establish for Convocation's approval and monitor evolution

² It should be noted that the review of committee structures has already resulted in the elimination of the Interjurisdictional Mobility Committee with its mandate incorporated into the mandate of the Professional Development and Competence Committee.

By-Law 3 Amendments - Reforms to Committees Structure

in corporate governance policies and practices. It would also be the committee that focuses on and assesses issues of increased organizational and reputation risk and harm, such as litigation and certain government relations issues. This committee would provide co-ordination and oversight for strategic planning and achievement of strategic priorities and tactics. The committee would also fulfill an advisory role on ongoing strategic and governance priority areas aligned with strategic goals as established by Convocation.

As such, and as explained above, this new committee would include the work and deliberations of three existing standing committees:

- Government and Public Affairs Committee.
- Litigation Committee
- Priority Planning Committee

The new mandate for this committee found is in the motion to amend By-Law 3 at **Tab 3.1.1** (track changes version at **Tab 3.1.2**) and draws on the current mandates of these three committees, included in this report. Accordingly, the mandate of the new committee incorporates the following:

- developing for Convocation's approval and periodically reviewing its strategic priorities for policy objectives, including recommending necessary changes in Convocation's priorities and reporting annually to Convocation on the status of Convocation's priorities for policy objectives;³
- receiving from the Chief Executive Officer notification of significant legal proceedings in which the Society is involved that are managed out of the Office of General Counsel – which would include legal proceedings that are outside the usual course of the Society's business - and providing required assistance and advice in the conduct of such legal proceedings and reporting to Convocation as necessary;⁴
- considering requests made for the Society or the Federation of Law Societies of Canada to intervene in legal proceedings and recommending to Convocation, or in urgent circumstances, deciding whether the Society should intervene in a legal proceeding or support the Federation intervening in a legal proceeding;⁵

³ Reference: s. 123 of By-Law 3.

⁴ Reference: s. 126 a) and b) of By-Law 3.

⁵ Reference: s. 126 c) of By-Law 3.

By-Law 3 Amendments - Reforms to Committees Structure

- developing and maintaining working relationships with the Governments of Ontario and Canada, including elected officials and the public service, on provincial and federal initiatives affecting the interests of the public and within the Society's jurisdiction;⁶
- presenting the Society's legislative agenda to the Governments of Ontario and Canada;⁷ and
- developing, for Convocation's approval a long range and comprehensive public affairs mandate and strategy.⁸

By-Law 3 Amendments

As discussed above, amendments to By-Law 3 are required to revoke the mandates of the three existing standing committees discussed in this report and add the mandate of the new standing committee. A motion to amend the By-Law to this effect is at **Tab 3.1.1**.

⁶ Reference: s. 121 a) and c) of By-Law 3.

⁷ Reference: s. 121 b) of By-Law 3.

⁸ Reference: s. 121 d) and e) of By-Law 3.

CURRENT MANDATES IN BY-LAW 3

GOVERNMENT AND PUBLIC AFFAIRS COMMITTEE

Mandate

121. The mandate of the Government and Public Affairs Committee is,

(a) to develop and maintain an effective working relationship with the Government of Ontario, the Attorney General for Ontario, the Ontario Public Service and all elected officials of the Ontario Legislature for the purpose of ensuring that the Society's policies and positions on matters affecting the interests of the public and having to do with the practice of law in Ontario or the provision of legal services in Ontario are understood before decisions affecting those matters are made;

(b) to ensure that the Society's legislative agenda is effectively presented to the Government of Ontario for its consideration and approval;

(c) to develop and maintain an effective working relationship with the Government of Canada and the Attorney General for Canada with respect to federal initiatives affecting matters within the Society's jurisdiction;

(d) to develop, for Convocation's approval, a public affairs mandate for the Society, which identifies the constituencies that the Society should address and sets out the outcomes that should be achieved with each constituency; and

(e) to develop a long range and comprehensive public affairs strategy consistent with the Society's public affairs mandate approved by Convocation

PRIORITY AND PLANNING COMMITTEE

Mandate

123. The mandate of the Priority and Planning Committee includes,

(a) developing for Convocation's consideration and approval Convocation's priorities for policy objectives;

(b) reviewing periodically the priorities for policy objectives established by Convocation, in the context of policy issues that may have since arisen, and recommending for Convocation's consideration and approval, either immediately or in the future, changes in Convocation's priorities; and

By-Law 3 Amendments - Reforms to Committees Structure

(c) reporting annually to Convocation on the status of Convocation's priorities for policy objectives.

LITIGATION COMMITTEE

Mandate

126. The mandate of the Litigation Committee is,

(a) to receive from the Chief Executive Officer notification of any new legal proceeding and progress reports on the conduct of all legal proceedings in which the Society is involved, for the purpose of communicating the reports to Convocation;

(b) to provide assistance and guidance to the Chief Executive Officer in the conduct of legal proceedings that are outside the usual course of the Society's business; and

(c) to consider requests made for the Society or the Federation of Law Societies of Canada to intervene in legal proceedings and to recommend to Convocation, or in urgent circumstances to decide, whether the Society should intervene in a legal proceeding or support the Federation intervening in a legal proceeding.

LAW SOCIETY OF ONTARIO
BY-LAWS MADE UNDER
SUBSECTIONS 62 (0.1) AND (1) OF THE LAW SOCIETY ACT

BY-LAW 3
[BENCHERS, CONVOCATION AND COMMITTEES]

MOTION TO BE MOVED AT THE MEETING OF CONVOCATION ON MAY 27, 2021

MOVED BY

SECONDED BY

THAT By-Law 3 [Benchers, Convocation and Committees], in force immediately before this motion is moved, be amended as follows:

1. Section 108 of the English version of the By-Law is revoked and the following substituted:

Standing committees

108. There shall be the following standing committees:

1. Audit and Finance Committee.
2. Access to Justice Committee.
3. Equity and Indigenous Affairs Committee.
4. Professional Development and Competence Committee.
5. Professional Regulation Committee.
6. Strategic Planning and Advisory Committee.
7. Tribunal Committee.

2. Section 108 of the French version of the By-Law is revoked and the following substituted:

Comités permanents

108. Les comités permanents suivants sont institués :

1. Comité d'audit et de finance.
2. Comité sur l'accès à la justice.
3. Comité sur l'équité et les affaires autochtones.
4. Comité du perfectionnement professionnel.
5. Comité de réglementation de la profession.
6. Comité consultatif de planification stratégique.
7. Comité du Tribunal.

3. Subsection 110 (3) of the English version of the By-Law is amended by striking out “Priority and Planning” and substituting “Strategic Planning and Advisory”.

4. Subsection 110 (3) of the French version of the By-Law is amended by striking out “Comité des priorités et de la planification” and substituting “Comité consultatif de planification stratégique”.

5. Subsection 113 (1) of the English version of the By-Law is revoked and the following substituted:

Appointment of chairs and vice-chairs

113. (1) Convocation shall appoint,

- (a) for each standing committee other than the Strategic Planning and Advisory Committee, one bencher, who is a member of the standing committee, as chair of the standing committee; and
- (b) for each standing committee, one or more benchers, who are members of the standing committee, as vice-chairs of the standing committee.

6. Subsection 113 (1) of the French version of the By-Law is revoked and the following substituted:

Nomination à la présidence et à la vice-présidence

113. (1) Le Conseil nomme :

- a) à la présidence de chaque comité permanent autre que le Comité consultatif de planification stratégique, un membre du comité permanent ayant le titre de conseiller ;
- b) à la vice-présidence de chaque comité permanent, un ou plusieurs membres du comité permanent ayant le titre de conseiller.

7. Section 113 of the English version of the By-Law is further amended by adding the following subsection:

Chair of Strategic Planning and Advisory Committee

(1.1) The Treasurer is the chair of the Strategic Planning and Advisory Committee.

8. Section 113 of the French version of the By-Law is further amended by adding the following subsection:

Présidence du Comité consultatif de planification stratégique

(1.1) Le trésorier ou la trésorière préside le Comité consultatif de planification stratégique.

9. The heading immediately before section 123 and section 123 of the English version of the By-Law are revoked and the following substituted:

STRATEGIC PLANNING AND ADVISORY COMMITTEE

Mandate

123. The mandate of the Strategic Planning and Advisory Committee includes the following:

1. Developing for Convocation's approval, periodically reviewing and recommending changes to and reporting annually to Convocation on the status of Convocation's priorities for policy objectives.
2. Receiving from the Chief Executive Officer notification of significant legal proceedings in which the Society is involved that are managed out of the Office of General Counsel, providing required assistance and advice in the conduct of such legal proceedings and reporting to Convocation on such legal proceedings as necessary.
3. Considering requests made for the Society or the Federation of Law Societies of Canada to intervene in legal proceedings and recommending to Convocation, or in urgent circumstances deciding, whether the Society should intervene or support the Federation intervening in a legal proceeding.
4. Developing and maintaining working relationships with the Governments of Ontario and Canada, including their elected officials and public service, on initiatives affecting the public interest that are within the Society's jurisdiction.
5. Presenting the Society's legislative agenda to the Governments of Ontario and Canada.
6. Developing for Convocation's approval a long range and comprehensive public affairs mandate and strategy.

10. The heading immediately before section 123 and section 123 of the French version of the By-Law are revoked and the following substituted:

COMITÉ CONSULTATIF DE PLANIFICATION STRATÉGIQUE

Mandat

123. Le Comité consultatif de planification stratégique :

1. élabore, révisé périodiquement et recommande des changements à la politique pour l'approbation du Conseil, à qui il soumet chaque année un rapport sur l'état des priorités en matière de politiques ;
2. reçoit du ou de la chef de la direction les avis d'instances judiciaires importantes auxquelles participe le Barreau et qui sont gérées par le bureau de l'avocate générale, fournit de l'aide et des conseils nécessaires à la conduite de ces instances judiciaires, et soumet un rapport au Conseil sur ces instances judiciaires, le cas échéant ;
3. examine les demandes d'intervention dans des instances judiciaires que reçoit le Barreau ou la Fédération des ordres professionnels de juristes du Canada, et recommande au Conseil de décider si le Barreau doit intervenir ou appuyer la Fédération dans une instance judiciaire, ou en cas d'urgence, prend une décision en ce sens ;
4. développe et maintient des relations de travail avec les gouvernements de l'Ontario et du Canada, y compris leurs représentants élus et la fonction publique, sur les initiatives touchant l'intérêt public qui relèvent de la compétence du Barreau ;
5. présente le programme législatif du Barreau aux gouvernements de l'Ontario et du Canada ;

6. élabore, pour l'approbation du Conseil, un mandat et une stratégie à long terme exhaustifs en matière d'affaires publiques.

11. Sections 121 and 126 of the By-Law are revoked.

BY-LAW 3

Made: May 1, 2007
Amended: June 28, 2007
September 20, 2007
November 22, 2007
June 26, 2008
April 30, 2009
September 24, 2009
September 24, 2009 (editorial changes)
February 25, 2010
May 27, 2010
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October 28, 2010
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September 27, 2018 (editorial changes)
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June 19, 2019 (editorial changes)
May 12, 2020
May 28, 2020
August 6, 2020
September 24, 2020

BENCHERS, CONVOCATION AND COMMITTEES

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PART VI

COMMITTEES

GENERAL

Duties, powers of committees

107. (1) Unless expressly authorized to perform a duty or exercise a power, the performance of a duty or the exercise of a power by a standing committee is subject to the approval of Convocation.

Duties, powers of Convocation

(2) Convocation may perform a duty or exercise a power that it has delegated to a standing committee notwithstanding the delegation.

Same

(3) Convocation may delegate to any other committee the performance of a duty or the exercise of a power notwithstanding that it has delegated the performance of the duty or the exercise of the power to a standing committee under this Part.

STANDING COMMITTEES

~~Establishment of s~~Standing committees

108. There ~~re shall be the~~ following standing committees ~~are hereby established~~:

1. Audit and Finance Committee.
2. ~~Priority and Planning Committee.~~
- ~~3. Government and Public Affairs Committee.~~
- ~~4. Access to Justice Committee.~~
- ~~53. Litigation Equity and Indigenous Affairs~~ Committee.
- ~~46. Professional Development and Competence Committee.~~
- ~~75. Professional Regulation Committee.~~
- ~~86. Equity and Indigenous Affairs~~Strategic Planning and Advisory Committee.
- ~~9. [Revoked].~~
- ~~107. Tribunal Committee.~~

Composition

109. (1) Each standing committee shall consist of at least six persons appointed by Convocation.

Benchers

(2) Each standing committee shall include at least five benchers.

Appointment of persons to standing committees

(3) Convocation may appoint persons to a standing committee at anytime.

Treasurer's recommendations for appointment

(4) The Treasurer shall recommend to Convocation all persons for appointment to standing committees.

Certain persons disqualified from certain appointments

(5) Convocation shall not appoint any person to the Tribunal Committee who is appointed to the Professional Regulation Committee or the Proceedings Authorization Committee.

Treasurer

110. (1) The Treasurer is a member of every standing committee by virtue of their office.

Tribunal Committee: members by virtue of office

(2) The chair of the Law Society Tribunal and the vice-chairs of the Hearing and Appeal Divisions of the Law Society Tribunal are members of the Tribunal Committee by virtue of their office.

Chief Executive Officer

(3) The Chief Executive Officer of the Society is a non-voting member of the ~~Priority and Planning~~Strategic Planning and Advisory Committee by virtue of their office.

Term of office

111. Subject to section 112, a person appointed to a standing committee under section 109 shall hold office until his or her successor is appointed.

Removal from standing committee by Convocation

112. Convocation may remove from a standing committee any person appointed thereto under section 109 if the person fails to attend three consecutive meetings of the committee.

Appointment of ~~Chairs~~ chairs and vice-chairs

113. (1) ~~For each standing committee,~~ Convocation shall appoint,

(a) ~~for each standing committee other than the Strategic Planning and Advisory Committee,~~ one benchler, who is a member of the standing committee, as chair of the standing committee; and

(b) ~~for each standing committee,~~ one or more benchlers, who are members of the standing committee, as vice-chairs of the standing committee.

Chair of Strategic Planning and Advisory Committee

(1.1) The Treasurer is the chair of the Strategic Planning and Advisory Committee.

Term of office

(2) Subject to subsection (3), the chair and vice-chairs of a standing committee hold office until their successors are appointed.

Appointment at pleasure

(3) The chair and vice-chairs of a standing committee hold office at the pleasure of Convocation.

Vacancy

(4) If the chair or a vice-chair of a standing committee for any reason is unable to act, the Treasurer may appoint another member of the standing committee as the chair or a vice-chair and, subject to subsection (3), that member shall hold office as chair or vice-chair until his or her successor is appointed.

Appointment under subs. (4) subject to ratification

(5) The appointment of a member of a standing committee as the chair or a vice-chair of the committee under subsection (4) is subject to ratification by Convocation at its first regular meeting following the

appointment.

Quorum

114. (1) Four members of a standing committee who are benchers constitute a quorum for the purposes of the transaction of business.

Meetings by telephone conference call, etc.

(2) Any meeting of a standing committee may be conducted by means of such telephone, electronic or other communication facilities as permit all person participating in the meeting to communicate with each other instantaneously and simultaneously.

Right to attend meeting

115. (1) Subject to subsection (2), no person other than a member of a standing committee may attend a meeting of the committee.

Same

(2) The following persons who are not members of a standing committee may attend a meeting of the committee:

1. A bencher who is entitled to vote in Convocation or who may take part in a debate at Convocation.
2. An officer or employee of the Society.
3. Any person not mentioned in paragraph 1 or 2 with the permission of the chair of the committee.

Meetings held in absence of public

115.1. (1) Subject to section 115, meetings of a standing committee shall be held in the absence of the public.

Confidentiality

(2) No person shall disclose any information that would reveal the deliberations of a standing committee.

Confidentiality: exceptions

- (3) Subsection (2) does not prohibit,
- (a) disclosure required in connection with the administration of the Act, the regulations, the by-laws or the rules of practice and procedure;
 - (b) disclosure of the subjects or matters that a standing committee is deliberating;
 - (c) disclosure of information that is a matter of public record;
 - (d) disclosure by a person to his or her counsel;
 - (e) disclosure with the written consent of all persons whose interests might reasonably be affected by the disclosure; or
 - (f) disclosure of information that Convocation determines may be disclosed.

Voting rights

116. Only members of a standing committee may vote at meetings of the committee.

TASK FORCES

Establishment

116.1. (1) Convocation may at any time establish a committee, to be known as a task force, for the purposes of performing a specific task or performing a task for a specific period of time.

Mandate and term

(2) No task force shall be established without a prescribed mandate and term.

Duties and powers

(3) Section 107, with necessary modifications, applies to and in relation to a task force.

Composition: application of provisions

116.2. (1) Sections 109 and 110, with necessary modifications, apply to and in relation to a task force.

Term of office

(2) A person appointed to a task force shall hold office until the earlier of the following:

1. When the person's successor is appointed.
2. When the task force is wound up or ceases to exist.

Removal from office

(3) Despite subsection (2), Convocation may at any time remove from a task force any member thereof.

Chairs and vice-chairs: application of provisions

116.3. (1) Subsection 113 (1), with necessary modifications, applies to and in relation to a task force.

Term of office

(2) The chair and vice-chairs of a task force hold office until the earlier of the following:

1. When their successor is appointed.
2. When the task force is wound up or ceases to exist.

Removal from office

(3) Despite subsection (2), Convocation may at any time remove from office the chair or a vice-chair of the task force.

Vacancy

(4) If the chair or a vice-chair of a task force for any reason is unable to act, subject to ratification by Convocation at its earliest opportunity, the Treasurer may appoint another member of the task force as the chair or a vice-chair.

Operation

116.4. Sections 114 to 116, with necessary modifications, apply to and in relation to a task force.

AUDIT AND FINANCE COMMITTEE

Mandate

117. The mandate of the Audit and Finance Committee is,

- (a) to receive and review the interim and annual financial statements of the Society;
- (b) to recommend to Convocation the approval of the annual financial statements of the Society;
- (c) to receive the annual financial statements of the Lawyers' Professional Indemnity Company, LibraryCo Inc. and any other subsidiary of the Society;
- (d) to review the integrity and effectiveness of the financial operations, systems of internal control, reporting mechanisms and internal risk management of the Society;
- (e) to review with the public accountant and management of the Society the annual audit plan and results of the annual audit, including the audit scope;
- (f) to recommend a public accountant for appointment by Convocation as required under section 49 of By-Law 2 [Corporate Provisions];
- (g) to review the annual budgets of the Society and of Library Co., or any special or extraordinary budgets required for the purpose of the Society, to provide advice to Convocation thereon and to recommend approval of the annual budgets or any special or extraordinary budget item;
- (h) to review proposals for any significant budget amendments arising during a financial year and to provide advice to Convocation thereon, including advice on the financial implications of the budget amendments;
- (i) to provide to Convocation policy guidance on the allocation of resources within the Society in keeping with the priorities set by Convocation;
- (j) to develop for Convocation's approval policy options on financial matters, including the Society's investment policy;
- (k) to ensure that the Society's programs have clearly articulated objectives and identifiable performance standards to assist in assessing their efficiency and effectiveness;
- (l) to review periodically the Society's programs, selected for review in consultation with the Chief Executive Officer, to determine compliance with program objectives and whether there is cost-effective use of funds;
- (m) to receive reports on the remuneration and expenses of the Treasurer and benchers;
- (n) to monitor compliance with policies adopted by Convocation, including any investment policy; and
- (o) to recommend to Convocation the execution of banking resolutions and other similar financial agreements.

Administrator of pension plan

118. (1) The Audit and Finance Committee shall be the administrator of and shall administer the registered pension plan for the employees of the Society.

Oversight of group retirement savings plan

(1.1) The Audit and Finance Committee shall oversee the retirement savings plan for the employees of the Society, also known as the group retirement savings plan, and shall perform any related administrative or governance responsibilities of the Society.

Powers

(2) The performance of any duty, or the exercise of any power, by the Audit and Finance Committee

under any Act relevant to its roles described in subsections (1) and (1.1) is not subject to the approval of Convocation.

PROFESSIONAL DEVELOPMENT AND COMPETENCE COMMITTEE

Mandate

119. The mandate of the Professional Development and Competence Committee is to develop for Convocation's approval,

(a) policy options on the following matters:

(i) the classes of licence for the practise of law in Ontario issued under the Act, the scope of activities authorized under each class of licence and the terms, conditions, limitations or restrictions imposed on each class of licence,

(ii) the licensing of persons to practise law in Ontario as barristers and solicitors, including qualifications and other requirements for licensing and the application for licensing,

(iii) the professional competence of persons licensed to practise law in Ontario as barristers and solicitors including,

(A) the requirements to be met by such persons with respect to continuing legal education, and

(B) the review of the professional business of such persons,

(iv) the inter-jurisdictional mobility of licensees; and

(b) guidelines for professional competence applicable to persons licensed to practise law in Ontario as barristers and solicitors.

PROFESSIONAL REGULATION COMMITTEE

Mandate

120. The mandate of the Professional Regulation Committee is to develop for Convocation's approval policy options on all matters relating to,

(a) the regulation of licensees in respect of their conduct and capacity;

(b) policies and guidelines relating to sections 26.1 to 26.3 of the Act; and

(c) rules of professional conduct applicable to persons licensed to practise law in Ontario as barristers and solicitors.

~~GOVERNMENT AND PUBLIC AFFAIRS COMMITTEE~~

~~**Mandate**~~

~~121. The mandate of the Government and Public Affairs Committee is,~~

~~–(a) to develop and maintain an effective working relationship with the Government of Ontario, the Attorney General for Ontario, the Ontario Public Service and all elected officials of the Ontario Legislature for the purpose of ensuring that the Society's policies and positions on matters affecting the interests of~~

~~the public and having to do with the practice of law in Ontario or the provision of legal services in Ontario are understood before decisions affecting those matters are made;~~

~~–(b) to ensure that the Society’s legislative agenda is effectively presented to the Government of Ontario for its consideration and approval;~~

~~–(c) to develop and maintain an effective working relationship with the Government of Canada and the Attorney General for Canada with respect to federal initiatives affecting matters within the Society’s jurisdiction;~~

~~–(d) to develop, for Convocation’s approval, a public affairs mandate for the Society, which identifies the constituencies that the Society should address and sets out the outcomes that should be achieved with each constituency; and~~

~~–(e) to develop a long range and comprehensive public affairs strategy consistent with the Society’s public affairs mandate approved by Convocation.~~

EQUITY AND INDIGENOUS AFFAIRS COMMITTEE

Mandate

122. The mandate of the Equity and Indigenous Affairs Committee is,

(a) to develop for Convocation’s approval, policy options for the promotion of equity and diversity having to do in any way with the practice of law in Ontario or provision of legal services in Ontario and for addressing all matters related to Indigenous peoples and French-speaking peoples; and

(b) to consult with Indigenous, Francophone and other equality-seeking communities in the development of such policy options.

~~PRIORITY AND PLANNING~~ STRATEGIC PLANNING AND ADVISORY COMMITTEE

Mandate

123. The mandate of the ~~Priority and~~ Strategic Planning ~~and Advisory~~ Committee includes the following;

1. (a) Developing for Convocation’s consideration and approval, periodically reviewing and recommending changes to and reporting annually to Convocation on the status of Convocation’s priorities for policy objectives;

~~(b) reviewing periodically the priorities for policy objectives established by Convocation, in the context of policy issues that may have since arisen, and recommending for Convocation’s consideration and approval, either immediately or in the future, changes in Convocation’s priorities; and~~

~~(c) reporting annually to Convocation on the status of Convocation’s priorities for policy objectives.~~2. Receiving from the Chief Executive Officer notification of significant legal proceedings in which the Society is involved that are managed out of the Office of General Counsel, providing required assistance and advice in the conduct of such legal proceedings and reporting to Convocation on such legal proceedings as necessary.

3. Considering requests made for the Society or the Federation of Law Societies of Canada to intervene in legal proceedings and recommending to Convocation, or in urgent circumstances deciding, whether the Society should intervene or support the Federation intervening in a legal proceeding.

4. Developing and maintaining working relationships with the Governments of Ontario and Canada, including their elected officials and public service, on initiatives affecting the public interest that are within the Society’s jurisdiction.

- 5. Presenting the Society’s legislative agenda to the Governments of Ontario and Canada.
- 6. Developing for Convocation’s approval a long range and comprehensive public affairs mandate and strategy.

124. [Revoked.]

ACCESS TO JUSTICE COMMITTEE

Mandate

125. The mandate of the Access to Justice Committee is to develop, for Convocation’s approval, policy options for promoting access to justice throughout Ontario.

~~LITIGATION COMMITTEE~~

~~**Mandate**~~

~~126. The mandate of the Litigation Committee is,~~

- ~~–(a) to receive from the Chief Executive Officer notification of any new legal proceeding and progress reports on the conduct of all legal proceedings in which the Society is involved, for the purpose of communicating the reports to Convocation;~~
- ~~–(b) to provide assistance and guidance to the Chief Executive Officer in the conduct of legal proceedings that are outside the usual course of the Society’s business; and~~
- ~~–(c) to consider requests made for the Society or the Federation of Law Societies of Canada to intervene in legal proceedings and to recommend to Convocation, or in urgent circumstances to decide, whether the Society should intervene in a legal proceeding or support the Federation intervening in a legal proceeding.~~

TRIBUNAL COMMITTEE

Mandate

127. (1) The mandate of the Tribunal Committee is to develop, in conjunction with the Chair of the Law Society Tribunal, for Convocation’s approval policy options on all matters relating to the Law Society Tribunal, including the development or preparation of practice directions, an adjudicator code of conduct, publication protocols for tribunal decisions and adjudicator professional development.

(2) Subject to the approval of Convocation, in conjunction with the Chair of the Law Society Tribunal, the Tribunal Committee may prepare rules of practice and procedure.



Law Society
of Ontario

Barreau
de l'Ontario

Tab 3.2

Priority Planning Committee

Merger of Awards and External Appointments Functions

May 27, 2021

Committee Members:

Teresa Donnelly (Chair)
Jacqueline Horvat (Vice-Chair)
Robert Burd
Joseph Chiumminto
Dianne Corbiere
Cathy Corsetti
Joseph Groia
Philip Horgan
Nancy Lockhart
Barbara Murchie
Lubomir Poliacik
Megan Shortreed
Andrew Spurgeon
Sidney Troister

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Motion

That on the recommendation of the Priority Planning Committee, Convocation approve the merger of the functions of the Law Society awards committees described in this report with the function of the Treasurer's Appointments Advisory Group, and the assumption of the awards committees' terms of reference and processes in the Group's process.

A. Executive Summary

Consistent with the Treasurer and CEO's focus on improved efficiency and modernization, Convocation is asked to approve the merger of the functions of the various Law Society awards committees with the function of the Treasurer's Appointments Advisory Group.¹

Four separate committees select and recommend recipients for various awards and appointments made by the Law Society. The process for reviewing and selecting recommended awards recipients is similar among these committees and to the process used by the Treasurer's Appointments Advisory Group, or TAAG, to select recommended appointees for the various external appointments the Law Society is authorized to make.

Because of the similarities in process and to make the best use of benchers and staff time, the recommendation is to merge the functions of the awards committees with TAAG so that one group is responsible for recommending to Convocation all award recipients and external appointees. This aligns with the Treasurer's effort to create efficiencies in required processes involving benchers and would allow consistency of approach in the process, while continuing to recognize the unique characteristics of the various awards.

¹ It should be noted that the review of committee structures has already resulted in the elimination of the Interjurisdictional Mobility Committee with its mandate incorporated into the mandate of the Professional Development and Competence Committee, and the consideration by the Priority Planning Committee of the merger of the Litigation, Government and Public Affairs and Priority Planning Committees.

Background

A. Number of Convocation's Committees

There are currently 21 distinct committees, task forces and/or working groups active within the organization.² Each of these committees requires benchers' time and effort, staff support by way of research, writing of policy papers, providing operational impact information, scheduling and attending meetings and issues management.

B. The Awards and External Appointments Process

Four separate committees select and recommend recipients for various Law Society awards and external appointments. While the awards themselves are distinctive, the process for reviewing and selecting recommended awards recipients is similar among the committees and to the process used by TAAG to select appointees for recommendation to the various external appointments the Law Society is authorized to make. The following is information on TAAG and the various awards committees. Additional information on the process of each of the awards committees is set out at **Tab 3.2.1**.

Treasurer's Appointments Advisory Group (TAAG)

In September 2016, TAAG was created to assist in renewing the process for recommending appointees to Convocation for appointment to external committees, organizations and entities and bringing more transparency and consistency to the process.

² Access to Justice Committee, Audit and Finance Committee, Compensation Committee, Compensation Fund Committee, Competence Task Force, Equity and Indigenous Affairs Committee, Government and Public Affairs Committee, Human Rights Monitoring Group, Law Society Awards/LLD Advisory Committee, Litigation Committee, Mental Health Working Group, Paralegal Awards Committee, Paralegal Standing Committee, Priority Planning Committee, Proceedings Authorization Committee, Professional Development and Competence Committee, Professional Regulation Committee, Real Estate Liaison Group, Technology Task Force, Tribunal Committee, Treasurer's Appointments Advisory Group.

The objective of the Law Society appointments process through TAAG is to ensure the appointment of well-qualified persons with the requisite character, knowledge, experience, expertise, willingness and availability to serve and ability to undertake the duties of the particular position, through an established and transparent process that ensures consistency and equality of opportunity. A key feature of the process is adopting and building into the process a policy that acknowledges the importance of applying principles of equality, diversity and inclusion.

The Group's process utilizes a communications initiative that includes notices of vacancies, with details of the positions, as they occur, in the Ontario Reports, on the Law Society's website and other media. The Group generally works within a six months time frame prior to the expiration of the term. The Group has the ability to adapt this timeframe and be flexible in order to meet an urgent request for appointment, should an exceptional situation arise. The process includes reference and status checks on potential candidates.

The choice of individual(s) is guided by the requirements set out in the governing document for the appointment (e.g. statute, by-law, agreement).

The Group reports its recommendations to the Treasurer and then through to Convocation *in camera* through a Treasurer's report, in a timeframe ahead of the expiration of the vacancy that will permit sufficient consideration of candidates and an informed decision on the appropriate name(s) to be provided for the required appointment.

TAAG makes recommendations to Convocation for appointments to:

- Civil Rules Committee
- Family Rules Committee
- Judicial Appointments Committee (Federal)
- Judicial Appointments Advisory Committee (Provincial)
- Justice of the Peace Appointments Advisory Committee
- Justice of the Peace Review Council
- Legal Aid Board
- Ontario Judicial Council

As the terms of the appointments range from two to four years, the annual work of TAAG fluctuates depending on the number of vacancies in positions.

Law Society Awards/LL.D. Advisory Committee

In February 2010, Convocation approved the composition of the Awards Committee, which included the Treasurer, benchers and the following external members:

Chief Justice of Ontario
Chair of the Ontario Law Deans
President of the Ontario Bar Association
President of the Advocates' Society
Chair of the County and District Law Presidents' Association (now FOLA)

This Committee manages the process of reviewing, selecting and recommending to Convocation recipients of the the Honorary LL.Ds and recipients of the following Law Society awards:

- Law Society Medal (lawyers eligible)
- Laura Legge Award (women lawyers eligible)
- J. Shirley Denison Award (lawyers and paralegals eligible)
- Lincoln Alexander Award (lawyers and paralegals eligible)

The Committee also makes a final choice from nominees for the Human Rights Award referred from the Human Rights Monitoring Group.³

When this Committee was formed, it only made recommendations for awards to lawyers. In 2015, the J. Shirley Dennison Award was created and lawyers and paralegals are eligible to receive it. In 2021, the criteria for the Lincoln Alexander Award was expanded so that paralegals as well as lawyers are eligible to receive it.

As lawyers and paralegals are now eligible for two awards that the Law Society Awards Committee considers, there is an overlap between the work of this Committee and the Paralegal Award Committee. As nominees are often nominated for more than one category, this can cause problems. For example, a paralegal could be considered by the Awards Committee for the Lincoln Alexander Award and the J. Shirley Dennison award and also by the Paralegal Award Committee for selection for the William J. Simpson Distinguished Paralegal Award.

Paralegal Award Committee

In September 2011, this Committee was created with the following composition:

- All five paralegal members of the Paralegal Standing Committee;

³ Please see **Tab 3.2.1** for information on this award.

- The Vice-Chair of the Paralegal Standing Committee;
- A lay bencher member of the Paralegal Standing Committee,
- The Treasurer and/or his or her nominee.

In May 2015, Convocation agreed that the Committee should be augmented with the addition of a judge and a Justice of the Peace or judicial tribunal member. The rationale was to bring objectivity into the process and that the other Law Society awards are considered by a Committee with several outside representatives, including the Chief Justice of Ontario. In addition to the Treasurer and benchers, two candidates recommended by the Chief Justice of the Ontario Court of Justice also participate on the Committee. For the past two years, Associate Chief Justice Nicklas and Senior Advisory Justice of the Peace Scully participated.

The Proposal

A. A Merger of Functions Under TAAG

The merger of the functions of various awards committees with the function of TAAG is part of an effort to create efficiencies in required processes involving benchers, reduce staff time on these different processes, create a more holistic consideration of the awards and the related process, eliminate overlap between different committees and breakdown silos between lawyers and paralegals.

The recommendation is to merge the functions of the two awards committees with TAAG so that one group is responsible for recommending to Convocation all award recipients and external appointees. With TAAG as the single group for dealing with all awards and appointments, one group of benchers instead of three would manage the awards and appointments functions. This would meet the objectives noted above while continuing to recognize the unique characteristics of the various awards.

To implement this change, for which no by-law changes are required,

1. TAAG's process would incorporate the functions of the Law Society Awards/LLD Advisory Committee and the Paralegal Award Committee, assuming the terms of reference and processes of the awards committees in TAAG's process;
2. Current criteria for each award would be maintained and utilized by TAAG as a guide to assist TAAG in choosing suitable candidates for the various awards;
3. The composition of TAAG would continue to be limited to benchers with the exception of when awards are being considered. When awards are being considered, the following external representatives would be invited to attend:

Merged Awards and Appointments Functions

The Hon. George R. Strathy
Nominee
President
Chair
President
Chair
President
Chair

Chief Justice of Ontario
Chief Justice of the Ontario Court of Justice
The Advocates Society
Federation of Ontario Law Associations
Ontario Bar Association
Ontario Law Deans
Ontario Paralegal Association
Paralegal Standing Committee

INFORMATION ON THE TERMS OF REFERENCE/PROCESSES OF LSO AWARDS COMMITTEES

February 2010 Convocation

Law Society Awards Committee

MOTION – COMPOSITION OF LAW SOCIETY AWARDS COMMITTEE

It was moved by Mr. Crowe, seconded by Mr. Bredt, –

THAT the Law Society Awards Committee be composed of:

Treasurer (Chair)

Five benchers

Chief Justice of Ontario

Chair of the Ontario Law Deans

President of the Ontario Bar Association

President of the Advocates' Society

Chair of the County and District Law Presidents' Association

Background:

In September 1983, Convocation approved the establishment of an honour or honours to those members of the Law Society of Upper Canada who had made a significant contribution to the profession. The Special Committee on the Law Society Honours, chaired by George Finlayson, presented its report to Convocation on June 22, 1984. The report proposed that the Law Society Medal be created to honour those members of the Society who had made a significant contribution to the profession. It set out the Medal design, criteria, nomination and selection processes. It recommended that the selection committee be composed of the Treasurer, who would act as Chair, four benchers¹ approved by Convocation and the following external members: Chief Justice of Ontario, Chair of the Ontario Law Deans, President of the Canadian Bar Association (Ontario), and President of The Advocates' Society. The report was adopted by Convocation and the program was subsequently implemented.

In March 2002, then Treasurer, Vern Krishna, appointed the Honourable John Arnup, Q.C. to Chair the Special Committee on the Law Society Medal Program. The Special Committee was charged with the mandate to undertake a review of the Medal Program with particular emphasis on its criteria. The Committee presented its report to Convocation on October 31, 2002. It stated that the Committee was unanimously of the view that the criteria and nomination and

¹ "Five benchers" was actually listed in the composition as shown; currently, the Committee includes seven benchers.

selection processes were appropriate and should remain the same. The Report of the Special Committee was adopted by Convocation.

The majority of lawyers in private practice in Ontario now are sole and small firm practitioners outside the major urban areas. In recent years, concern has been expressed in Convocation that the number of sole and small firm practitioners being nominated for Law Society Awards remains low in comparison to their numbers in the profession. It is hoped that the addition of the Chair of the County and District Law Presidents' Association to the Law Society Awards Committee will ensure that the Committee better reflects the composition of the profession and encourage more nominations from this segment of the bar.

Carried

September 2011 Convocation

Paralegal Awards Committee

Selection Process

There should be a Selection Committee of eight persons established, as follows;

- a. All five paralegal members of the Paralegal Standing Committee;
- b. The Vice-Chair of the Paralegal Standing Committee;
- c. A lay bench member of the Paralegal Standing Committee, and
- d. The Treasurer and/or his or her nominee.
- e. The Selection Committee will select a Chair.

As with the other Law Society awards, there should be no set nomination form²; nominators will be expected to make the case for their nominee in a letter and to seek other letters of support.

May 2015 Convocation

The nominations for the award are currently reviewed by a selection committee comprising all five paralegal members of the Paralegal Standing Committee, the Vice-Chair of the Paralegal Standing Committee, a lay bench member of the Paralegal Standing Committee and the Treasurer of the Law Society (or designate).

Other Law Society awards are considered by a Selection Committee with several outside representatives, including the Chief Justice of Ontario and a representative of the Ontario law deans.

Proposal

² A nomination form must now be filed. Nominators file online via the form or email. The nominator fills out the form and attaches the nomination letter and letters of support.

The Committee was of the view that the Selection Committee's deliberations on the most appropriate award recipient would be enhanced by the addition of a judge and a Justice of the Peace or judicial tribunal member. Within these parameters, the choice of the two additional members would be at the Treasurer's discretion.³

October 2013 Convocation

HUMAN RIGHTS AWARD – TERMS OF REFERENCE

The Award

The purpose of this award is to recognize outstanding contributions to the advancement of human rights and/or the promotion of the rule of law provincially, nationally or internationally. The award will be granted for devotion to the advancement of human rights and the rule of law over a long term or for a single outstanding act of service. Unless there are reasons to proceed otherwise, the award will be granted to one individual every two years.

Award Criteria to be met by recipient

The criteria for the award are as follows:

- a) Must demonstrate an outstanding contribution to human rights and/or the promotion of the rule of law where the service is in accordance with the highest ideals of the legal profession; and
- b) Must not have received the award previously.

The award, in consultation with the proposed recipient's family/next of kin, may be granted posthumously.

Nominations

A call for nominations will be published in March, every two years, with a deadline for nominations in May of that year.

Selection Committee

The award recipient will be selected by the Law Society LL.D. Advisory Committee.⁴ The Chair of the Human Rights Monitoring Group shall be a standing member of that committee.

Selection Process

The Human Rights Monitoring Group will receive all nomination materials related to the Human Rights Award. The Human Rights Monitoring Group will provide a list of up to five nominees, ranked in order of preference with a rationale for the ranking. The list shall be provided to the Law Society LL.D. Advisory Committee for final selection. The LL.D. Advisory Committee will present the final candidate to Convocation for decision.

³ The Chief Justice of the Ontario Court of Justice is requested to recommend two candidates every year.

⁴ The appropriate reference here is to the Law Society Awards/LL.D. Advisory Committee.